

Notice of Allowability

Application No.

09/516,252

Examiner

Yogesh C. Garg

Applicant(s)

SOBALVARRO ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/17/2006 & Telephone Interview on 3/24/2006.
2. ☒ The allowed claim(s) is/are 1-20 and 93.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/27/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Y. C. Garg
Primary Ex.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Mr. Chad Thorson on March 24, 2006.

The application has been amended as follows:

The listing of claims will replace all prior versions, and listings of claims in the application:

Please cancel Claims 21-84 and 94. Please amend Claims 1, 11 and 93 as follows:

Listing of Claims:

1. (Currently Amended) A method of generating at least one package, each package including at least one item for sale, the method comprising:

(1) defining an affinity space coordinate for each of a plurality of items available for sale and storing the affinity space coordinates associated with the item in a database;

(2) creating a plurality of package templates and storing the templates in a database, each package template including at least one mandatory element schema having an associated required attribute and an associated affinity constraint; thereafter

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(3) receiving a request for a package from a consumer, wherein the consumer request has an affinity constraint associated therewith; and

(4) dynamically generating, with a computer, at least one package from at least one of the plurality of package templates based upon the consumer request, wherein dynamically generating at least one package comprises:

selecting at least one of the plurality of package templates, wherein the selected package template corresponds to the affinity constraint associated with the request;

comparing the affinity space coordinates for each of the plurality of items from the database with the required attribute and the affinity constraint associated with the selected package templates; and

if the comparison step reveals a match, generating a package that is defined at least in part by the respective package template and includes at least one item with a matching affinity space coordinate.

2. (Previously Presented) The method of claim 1 further comprising presenting for sale the generated package, wherein the presenting step is performed by dynamically generating an html page containing a description of the package, and transmitting the html page over a decentralized computer network to at least one consumer.

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3. (Previously Presented) The method of claim 1 wherein the selecting step comprises selecting at least one of the package templates based at least in part on the consumer request.

4. (Previously Presented) The method of claim 3 wherein the consumer request includes consumer mood.

5. (Previously Presented) The method of claim 3 wherein the consumer request includes number of persons traveling.

6. (Previously Presented) The method of claim 3 wherein the consumer request includes a timing constraint.

7. (Previously Presented) The method of claim 1 further comprising storing a description of each of the plurality of items, including the associated affinity space coordinates, in a computer database, and wherein the comparing step includes searching the computer database for items having affinity coordinates matching the required attribute and the affinity constraint associated with the selected package templates.

8. (Previously Presented) The method of claim 1 further comprising maintaining a hash table of the items keyed by affinity space coordinate, and wherein

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the comparing step includes performing a hash table lookup for each required attribute and required affinity constraint.

9. (Previously Presented) The method of claim 1 further comprising permitting the consumer to purchase the generated package.

10. (Previously Presented) The method of claim 9 further comprising confirming the consumer's purchase of the package.

11. (Currently Amended) A computer system for generating at least one package, each package including at least one item for sale, the computer system comprising:

a database that stores at least a description of each of a plurality of items available for sale, the description including an affinity space coordinate, the database also storing a plurality of package templates, each package template including at least one mandatory element schema having an associated required attribute and an associated affinity constraint;

a front end that receives a request for a package from a consumer, wherein the consumer request has an affinity constraint associated therewith; and

a back end coupled to the front end and the database, the back end adapted to dynamically generate at least one package from at least one of the plurality of package templates based upon the consumer request, wherein the back end is

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adapted to dynamically generate at least one package by selecting at least one of the plurality of package templates, wherein the selected package template corresponds to the affinity constraint associated with the consumer request, comparing the affinity space coordinate for each of the plurality of items from the database with the required attribute and the affinity constraint associated with ~~each of the~~ selected package templates, and if the comparison reveals a match, generating a package that is defined at least in part by the respective package template and includes at least one item with a matching affinity space coordinate.

12. (Previously Presented) The system of claim 11 wherein the front end includes a page generator that dynamically generates an html page containing a description of the generated package.

13. (Previously Presented) The system of claim 11 wherein the back end is adapted to select at least one of the plurality of the package templates based at least in part on the consumer request.

14. (Previously Presented) The system of claim 13 wherein the consumer request includes consumer mood.

15. (Previously Presented) The system of claim 13 wherein the consumer request includes number of persons traveling.

16. (Previously Presented) The system of claim 13 wherein the consumer request includes a timing constraint.

17. (Previously Presented) The system of claim 11 wherein the back end is further adapted to search the database for items having affinity coordinates matching the required attribute and the affinity constraint associated with the selected package templates.

18. (Previously Presented) The system of claim 11 further including a hash table of the plurality of items keyed by affinity space coordinate, wherein the back end is adapted to perform a hash table lookup for each required attribute and required affinity constraint.

19. (Previously Presented) The system of claim 11 further including a purchase transactor that permits a consumer to purchase the generated package.

20. (Previously Presented) The system of claim 19 further including a confirmation section that confirms the consumer's purchase of the generated package.

21-92. (Canceled)

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93. (Currently Amended) A method of generating at least one package, each package including at least one item for sale, the method comprising:

defining an affinity space coordinate for each of a plurality of items available for sale and storing the affinity space coordinates associated with the item in a database;

creating a plurality of package templates and storing the templates in a database, each package template including at least one mandatory element schema having an associated required attribute and an associated affinity constraint; thereafter

dynamically generating, with a computer, at least one package from at least one of the plurality of package templates based upon comparing the affinity space coordinate for each of the plurality of items from the database with the required attribute and the affinity constraint associated with the selected package templates, and if the comparison step reveals a match, generating a package that is defined at least in part by the respective package template and includes at least one item with a matching affinity space coordinate; and

mapping the package in affinity space for comparison to a request for a package, the request having affinity constraints associated therewith;

receiving the request for a package;

mapping the request in affinity space;

determining whether the request correlates to the stored package; and

offering the stored package for sale if the request correlates to the stored package.

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94. (Canceled)

Allowable Subject Matter

2. Claims 1-20 and 93 are allowed. Claims 1, 11, and 93 are independent. Claims 2-10, 12-20 are dependencies of claims 1 and 11 respectively.

The following is an examiner's statement of reasons for allowance:

Reasons for Allowance

3 The following is an examiner's statement of reasons for allowance:

Claims 1-20 & 93

The prior art of record neither anticipates nor renders obvious a computerized method and system for generating a package for sale based upon a request comprising, inter alia, defining an affinity space coordinate for each of a plurality of items available for sale and storing the affinity space coordinates associated with the item in a database, creating a plurality of package templates and storing the templates in a database, each package template including at least one mandatory element schema having an associated required attribute and an associated affinity constraint; thereafter receiving a request for a package from a consumer, wherein the consumer request has an affinity constraint associated therewith, and dynamically generating, with a computer, at least one package from at least one of the plurality of package templates based upon the consumer request, wherein dynamically generating at least one package comprises: selecting at least one of the plurality of package templates,

wherein the selected package template corresponds to the affinity constraint associated with the request, comparing the affinity space coordinates for each of the plurality of items from the database with the required attribute and the affinity constraint associated with the selected package templates, and if the comparison step reveals a match, generating a package that is defined at least in part by the respective package template and includes at least one item with a matching affinity space coordinate. (see independent claims 1, 11, & 93).

Applicant's remarks in the Remarks filed on 1/17/2006 (see pages 20-29) are compelling and commensurate with the original disclosure,

" Applicants have amended independent Claims 1 and 11 to recite, inter alia, creating a plurality of package templates and storing the templates in a database. each package template including at least one mandatory element schema having an associated required attribute and an associated affinity constraint. In contrast to the claimed invention of independent Claims 1 and 11, none of the cited references, individually or in combination, teach or suggest defining affinity space coordinates for a plurality of products and services. Also, none of the cited references teach or suggest creating a package template that includes an associated required attribute and an associated affinity constraint, as also recited by independent Claims 1 and 11. Further, none of the cited references teach or suggest comparing the affinity space coordinate for each item with the associated required attribute and the associated affinity constraint associated with the package template. Applicants have attempted to explain in previous responses and in telephone interviews the basic differences between the claimed invention of Claims 1 and 11. Applicants are perplexed as to why the Office Action continues to generalize the prior art to cover the claims, instead of attempting to apply the references to the specific claim language of the claims. Applicants respectfully submit that the claimed invention is very different in terms of operation and result from that of the cited references. "

4. Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the claimed invention(s).

The most closely applicable prior art of record is referred to combination of Travis et al. (US 2002/0010668 A1), hereinafter, referred to as, Travis Jones et al. (US 2002/0156661), and Lastminute.com (web site materials, received with IDS, paper number 4, consisting 32 web pages, extracted from Internet on 02/17/2000).

Travis discloses a computerized method and system offering aggregated product offerings , such as vacation packages according to a set of predetermined rules established by A plurality of partners for acceptable placement and the aggregated offered products can be optimized by continuous monitoring consumer response and continuously replacing products with alternates to determine the best combinations (see at least Abstract, paragraphs 0004-0011, 0015-0018).

Jones (see paragraphs 0007, 0034, 0047, 0051-0055) discloses a computerized method and system for processing travel requests based on a user's travel destination goal, wherein the system automatically generates a travel itinerary in response to the user's inputs, including flight information, hotel information, and ground transportation such as rental cars, to ensure that the user accomplishes their travel goal (e.g., arrives at the meeting on time) and also . The user may accept one of the recommendations or reject all the recommendations. If the user does not accept any of the recommendations, the CR 126 re-executes searches using relaxed constraints and is used here to look for a larger range of hotels (step 440) and processing continues with

step 400. If HS 118 determines that the user selected a hotel, then HS 118 reserves the hotel using CRS 130 (step 450) and the itinerary is updated (step 460).

Lastminute.com web site (see at least pages 1-10) discloses the latest availability on items at the best of prices, related to travel, daily . The site selects the best of the offers in each category that are left at the last minute and show them to the users and these offers lead to the selection of romantic or adventurous vacation packages at the last minute at the best possible prices.

Travis, Jones and Lastminute.com, alone or in combination with another prior art fails to render obvious the application's above-mentioned underlined unique features(s) as also argued by the applicant in his remarks, filed on 1/17/2006 (see pages 20-25),

" The Office Action's rejection is a combination of the Travis and Jones applications and the Lastminute.com documents. The Travis application discloses an online targeted merchandising and marketing system that allows a user to purchase an entire experience (package), including commodities from a plurality of vendors, in a single transaction. The Jones application discloses a goal-oriented travel planning system. As disclosed, the system processes travel requests based upon a user's travel destination goal. The system processes the travel requests by interactively determining, from the travel destination goal, a travel itinerary, which may include flight information, hotel information, and pound transportation, to ensure the user accomplishes the travel destination goal. The Lastminute.com Web site materials disclose a Web portal for searching for goods and services, such as flights, holidays, restaurants, hotels, gifts, entertainment, and auction items. As disclosed, Lastminute.com attempts to encourage spontaneous, romantic and sometimes adventurous behavior by offering users the chance to live their dreams at unbeatable prices

*The Office Action argues that Travis-Jones-Lastminute.com combination renders obvious dynamic packaging of travel using templates and affinity space coordinates. **Applicants respectfully disagree with this proposed combination. In particular, the Travis-Jones-Lastminute.com***

combination at best discloses static generation of packages based on market analysis, not dynamic generation of packages based on affinity coordinates. The Office Action alleges that the Travis application discloses creating a package template that includes an affinity space description. And while the Office Action correctly identifies that the Travis application does not disclose defining affinity space coordinates for the items for sale, or comparing the affinity space for each item with the affinity space description associated with the package template, the Office Action cites the Jones application for these elements of the claimed invention. In contrast to the Office Action's allegations, Applicants respectfully submit that the Travis application does not teach or suggest creating a package template that includes an affinity space description. Further, Applicants respectfully submit that the Jones application does not teach or suggest defining affinity space coordinates for the items for sale, or comparing the affinity space for each item with the affinity space description associated with the package template. The Lastminute.com Web site materials disclose a Web portal for searching for goods and services to encourage various types of behavior, including spontaneous, romantic and/or adventurous behavior. However, the Lastminute.com Web site materials do not disclose uses of affinity values to create packages.

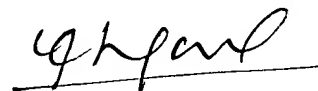
In light of the above, at best, the Travis-Jones-Lastminute.com combination provides a system that pre-generates packages based on market research and brainstorming, which is altogether different than the invention of Claims 1 and 11. “.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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3/27/2006